



**Department of Justice, Peace, and Human Development**  
Office of Domestic Social Development

**The Pregnant Workers Fairness Act (S. 1486)**  
January 2022

*“The State has the responsibility to pass laws and create work to ensure the future of young people and help them realize their plan of forming a family.”* – Pope Francis, *Amoris Laetitia*, no. 44.

**BACKGROUND:**

Pregnant women in the workforce lack adequate protections. While there are existing laws to safeguard pregnant workers, most notably the Pregnancy Discrimination Act of 1978, these laws leave gaps. Some pregnant women require temporary job modifications to keep themselves and their babies healthy throughout pregnancy and after childbirth. The Pregnancy Discrimination Act does not make clear when an employer should provide these modifications. A Supreme Court case addressing this issue, *Young vs. UPS*, set out a complicated process to determine if the employer should provide a modification. The process begins by requiring the pregnant worker to prove that the employer has provided a similar accommodation to another employee who needed it. Using this analysis, pregnant women have continued to be denied reasonable accommodations that support their health and wellbeing. Some of these modifications are as simple as providing a stool for a worker who usually stands, avoiding heavy lifting, or allowing a worker to drink water throughout their shift. Without these modifications, workers are left with the difficult decision to either compromise their health and the health of their child or to compromise their financial stability and career by leaving their job or taking unpaid leave.

The Pregnant Workers Fairness Act would address this gap by clearly requiring employers to provide *reasonable* accommodations to workers with medical needs due to pregnancy or childbirth. This requirement would only apply to employers with at least 15 employees and would not apply if it caused undue hardship for the employer. While the current set of laws requires an employer to have already made an accommodation for a different worker and for the pregnant worker to be aware of this instance before a reasonable modification is required, the Pregnant Worker’s Fairness Act begins by asking if an accommodation is possible. This approach is modeled after the well-established Americans with Disabilities Act framework, with which employers are already familiar. Recognizing the current gap in federal protections, at least 27 states have already passed legislation guaranteeing some form of accommodations for pregnant workers. Federal legislation is needed to create a uniform baseline standard throughout the country.

**USCCB POSITION:**

Catholic Social Teaching tells us that policy choices around the structuring of work should prioritize supporting family life.<sup>1</sup> Work and family are inextricably intertwined, because one always supports the other. All organizations having to do with work—including the employer, unions, and government—should act to support the family. This teaching implores us to provide pregnant workers with the

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<sup>1</sup> *Gaudium et Spes*, no. 76.

temporary accommodations they need to keep working and have a healthy pregnancy, whenever possible.

The United States Conference of Catholic Bishops urges Congress to pass the Pregnant Workers Fairness Act (S. 1486).<sup>2</sup> This legislation addresses a key gap in our current legal landscape, offering protections to pregnant workers by:

- requiring employers with 15 or more employees to provide reasonable accommodations for pregnant workers;
- protecting pregnant workers from being denied employment opportunities, being forced to take leave if another reasonable accommodation is available, or otherwise being retaliated against for requesting reasonable accommodations; and
- providing rights and remedies for workers if they are denied reasonable accommodations.

These and other efforts to protect pregnant workers and new mothers should be applauded as they demonstrate a respect for life, family, and the dignity of workers.

### **RESOURCES:**

Visit: <https://www.usccb.org/committees/domestic-justice-and-human-development/labor-and-employment>  
[https://www.usccb.org/resources/PWFA\\_letter.pdf](https://www.usccb.org/resources/PWFA_letter.pdf)

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<sup>2</sup> The USCCB specifically endorses the express legislative text of S. 1486 as reported out by the U.S. Senate Committee on Health, Education, Labor, and Pensions on Tuesday, August 3, 2021.